

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

United States of America,

Plaintiff, Case No. 17-20184

v.

Judith E. Levy
United States District Judge

Sontez Wells (D-5),

Defendant. Mona K. Majzoub
Magistrate Judge

_____/

**ORDER DENYING DEFENDANT SONTEZ WELLS' MOTIONS
FOR COMPASSIONATE RELEASE [575, 582]**

Before the Court is Defendant's request for compassionate release from Chippewa Correctional Facility, a Michigan prison, due to the ongoing COVID-19 pandemic. (ECF Nos. 575, 582.) For the following reasons, Defendant's motion is DENIED.

Background

On June 18, 2019, Defendant pled guilty to one count of RICO conspiracy in violation of 18 U.S.C. § 1962(d). (*See* ECF No. 324.) Following Defendant's plea, the Court sentenced him to 144 months' imprisonment, to run concurrently with undischarged sentences with the State of Michigan. (*See* ECF No. 409, PageID.2275.)

Defendant is serving a state criminal sentence in the custody of the Michigan Department of Corrections, not federal prison. (*See, e.g.*, ECF No. 575, PageID.8785.) On January 21, 2021, and again on February 9, 2021, Defendant moved pro se for compassionate release and/or reduction of his sentence under 18 U.S.C. § 3582(c)(1)(A)(i).¹ First, Defendant argues that his high blood pressure “places him in a high-risk category of death related to COVID-19,” and that he has lingering “issues with his breathing and heart[]” from a previous COVID-19 infection. (ECF No. 575, PageID.8749.) Second, Defendant contends that his record of rehabilitation since he was sentenced when he was an eighteen-year-old is an additional “extraordinary” reason for his early release. (*See* ECF No. 575, PageID.8750.)

Thereafter, the Court granted Defendant’s motion to be appointed counsel. (*See* ECF No. 576, PageID.8799; ECF No. 577.) The Court did not order the United States to respond.

¹ Except for variations in dates described in this footnote, Defendant’s motions are nearly identical. The clerk entered the motions on the docket on different dates, *compare* ECF No. 582 (docketed January 21, 2021) *with* ECF No. 575 (docketed February 9, 2021). Defendant’s affidavit in ECF No. 582 is dated January 21, 2021, but his affidavit is dated January 31, 2021 in ECF No. 575. For the purposes of this Opinion and Order, the Court only references information in ECF No. 575.

Analysis

The Court lacks jurisdiction over Defendant's motions for compassionate release, and therefore denies them. Section 3582(c) is a federal criminal statute that allows a federal sentencing court to reduce a federal defendant's sentence under certain circumstances. *See* 18 U.S.C. § 3582(c)(1)(A)(i). As Defendant is a state prisoner sentenced under state law (*see* ECF No. 575, PageID.8785; *see also* ECF No. 409, PageID.2275 (directing Defendant's federal sentence to run concurrently with his state sentence)), "he may not obtain a reduction in his sentence or release under § 3582(c)(1)(A)(i)." *Stephenson v. Foy*, No. 20-CV-13105, 2021 WL 243156, at *2 (E.D. Mich. Jan. 25, 2021) (finding that a state prisoner was not entitled to compassionate release under 18 U.S.C. § 3582(c), a federal law).

Accordingly, Defendant's motion is DENIED.

IT IS SO ORDERED.

Dated: September 13, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 13, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager